

*Jfw*

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Albert Galan I Llongueras

Confirmation: 6368

Appln. No.: 10/540,429

Filed:

For: **FLUID SPINNING SYSTEM**

Attorney Docket No.: 600.008

Customer number: 000058152

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE AND**

**2) COMMUNICATION**

**Mail Stop Missing Requirements  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

Responsive to:

1) the Notification of Defective Response dated November 13, 2006 (a copy of which is attached hereto), setting a one (1) month period for response expiring on December 13, 2006; and

2) Communication dated November 13, 2006, (a copy of which is attached hereto), setting a one (1) month period for response;

Applicant submits herewith:

1. **A Substituted English translation of the application.**



Regarding the Notification of Defective response

Applicant is submitting herewith a Substituted English translation of the application to correct the use of foreign language on Figures 1-4.

Regarding the additional fees, Applicant respectfully point out to the Examiner that on September 20, 2006, Applicant sent to the USPTO a credit card form in the amount of \$1,405.00.

The payment was submitted for the following cost:

\$65.00	<b>Late Declaration</b> (Small entity)
\$130.00	<b>Late submission of translation</b>
\$130.00	Petition fee
\$1,080.00	Five months extension

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\$1,405.00

Applicant is submitting herewith:

1) a copy of the postcard stamped by the USPTO indicating that the payment of \$1,405.00 was received. (Attachment A)

2) a copy of the response filed September 20, 2006, clearly indicating that the late fee for the Declaration fee and late fee for submission of translation were sent with the response.

According to Applicant's files, all necessary fees have been paid.

If the Examiner considered that additional fees must be pay, the Examiner is respectfully requested to contact the

undersigned, at the telephone indicate below, to approve the  
payment of any additional fees.

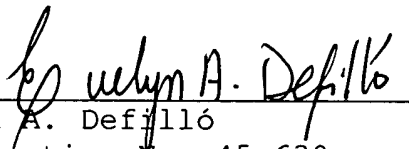
Regarding the Communication

Applicant is submitting herewith a new translation of the application. The previous translation has been amended by deleting the Spanish language text from Figures 1-4.

The Examiner is respectfully requested to acknowledge receipt of the above documents. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,

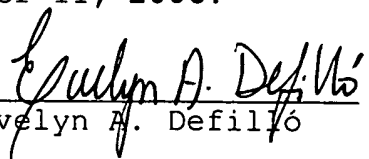
DEFILLO & ASSOCIATES  
4922 Eagle Cove South Drive  
Palm Harbor, FL 34685  
727 772-5916 telephone

  
Evelyn A. Defillo  
Registration No. 45,630

Date: **December 11, 2006**

CERTIFICATE OF MAILING

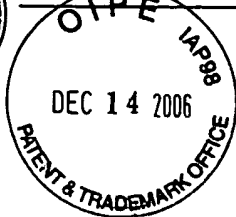
I hereby certify that the foregoing RESPONSE TO NOTICE OF Defective Response AND COMMUNICATION for U.S. Application No. 10/540,429 filed July 07, 2005, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop Missing Requirements Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on December 11, 2006.

  
Evelyn A. Defillo



13 NOV 2006

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

DEFILLO & ASSOCIATES INC.  
4922 EAGLE COVE SOUTH DRIVE  
PALM HARBOR, FL 34685

In re Application of :  
GALAN I LLANGUERAS :  
Application No.: 10/540,429 : DECISION  
PCT No.: PCT/ES03/00655 :  
Int. Filing Date: 23 December 2003 :  
Priority Date: 23 December 2002 :  
Attorney Docket No.: 26740-000/MXM :  
For: FLUID SPINNING SYSTEM :

This decision is in response to applicants' submission filed 25 September 2006.

### **BACKGROUND**

On 23 December 2003, applicants filed international application PCT/ES03/00655 which designated the U.S. and claimed a priority date of 23 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 July 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 June 2005.

On 07 July 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of inventors, and a petition under 37 CFR 1.137(b) to revive the application.

On 21 February 2006, a decision was mailed granting applicant's petition under 37 CFR 1.137(b). The decision also noted that there was a difference in names in the named inventor between the published international application (Albert GALAN I LLANGUERAS) and the declaration of inventors (Albert GALAN I LLONGUERAS) and that applicant was required to provide a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the middle name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c)) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. The decision set a two-month extendable time period for response.

On 09 May 2006, a request for withdrawal as attorney was submitted by the firm associated with Customer Number 32137.

On 13 July 2006, a decision was mailed granting the request to withdraw as attorney.

On 25 July 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating that a translation of the application into English, the processing fee under 37 CFR 1.492(i) for providing the translation later than thirty months from the priority date, an executed oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b), and the surcharge under 37 CFR 1.492(h) were required.

On 25 September 2006, applicant filed a submission including, inter alia, a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, an executed declaration of the inventor, the surcharge under 37 CFR 1.492(h), a petition/fee for a five-month extension of time, a translation of the international application into English, the processing fee under 37 CFR 1.492(i), and a petition under 37 CFR 1.497(d).

### DISCUSSION

#### Petition Under 37 CFR 1.497(d)

A petition under 37 CFR 1.497(d) is only required where the inventive entity in the national stage application is different than the inventive entity in the international application. Here, the inventive entities are the same. The petition filed 25 September 2006 concerns the correction of an inventor's name and notifies the Office that the correct translation of the inventor's name is as follows: **Albert Galan I Llongueras** as indicated in the declaration filed 25 September 2006 rather than Albert Galan I Llangueras, as is indicated in the international application. The petition explains that the international application contained a typographical error.

Applicants' explanation of the difference in the translation of Albert Galan I Llongueras's name is accepted and noted for the record.

#### Translation

The translation filed 25 September 2006 is not an accurate translation of the international application as filed. The translation of text matter in a drawing must be in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew. PCT Rules 76.5 and 49.5(d). The translation filed 25 September 2006 still contains foreign text in Figs. 1-4. Thus, the translation is defective. An accurate translation of the international application as filed is required in order to comply with 35 U.S.C. 371.

### CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.497(d) is **DISMISSED** as

**MOOT.**

A proper response must be filed within a time limit of ONE MONTH from the date of this decision or within the time remaining in the response set forth in the NOTIFICATION mailed 25 July 2006, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the NOTIFICATION mailed 25 July 2006 may be extended under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

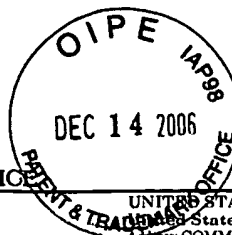
Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459



RECEIVED



UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 15 2006

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

MW &amp; E

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/540,429	Albert Galan I LLongueras	076080-0011

23630  
 MCDERMOTT WILL & EMERY LLP  
 ATTN: INTELLECTUAL PROPERTY DEPARTMENT  
 28 STATE STREET  
 BOSTON, MA 02109

Transferred

INTERNATIONAL APPLICATION NO.	
PCT/ES03/00655	
I.A. FILING DATE	PRIORITY DATE
12/23/2003	12/23/2002

CONFIRMATION NO. 6368

371 FORMALITIES LETTER



\*OC000000021184994\*

Date Mailed: 11/13/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 06/24/2005
- English Translation of the IA filed on 09/25/2006
- Copy of the International Search Report filed on 06/24/2005
- Preliminary Amendments filed on 09/25/2006
- Oath or Declaration filed on 09/25/2006
- U.S. Basic National Fees filed on 06/24/2005
- Substitute Specification filed on 09/25/2006
- Priority Documents filed on 06/24/2005
- Power of Attorney filed on 07/26/2006

Re: McDermott Will & Emery LLP  
 Action Date: \_\_\_\_\_  
 Action Due: \_\_\_\_\_  
 Docketed By: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's response filed 09/25/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/25/2006 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
  - The text in the drawings has not been properly translated.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

- Surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 was not received.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$0.00** for a Small Entity:

- **\$65 Surcharge.**

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

- **\$130** for English translation surcharge not received in full.

(A previous payment of **\$195** will be applied to the additional fees indicated above.)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,429	PCT/ES03/00655	076080-0011



LAPS Rec'd PCT/PTO 25 SEP 2006

~~400~~ Docket No.: 6001008 Serial No.: 10/540,429 Filing Date: 06/24/05

Applicant: Albert Galan I Llongueras

Title/Mark: Fluid Spinning System

THE MAIL ROOM STAMP BELOW ACKNOWLEDGES RECEIPT OF THE FOLLOWING DOCUMENTS ON THE DATE INDICATED ON THE MAIL ROOM STAMP.

<input type="checkbox"/>	Appl'n for Patent/PCT with:	<input type="checkbox"/>	Appl'n for TWSM with Drawing and
<input type="checkbox"/>	pg of specification	<input type="checkbox"/>	specimens of the mark
<input type="checkbox"/>	pg of Claims	<input type="checkbox"/>	Appl'n for Copyright Registration and
<input type="checkbox"/>	pg of Drawings Informal	<input type="checkbox"/>	deposits.
<input type="checkbox"/>	pg of Abstract	<input checked="" type="checkbox"/>	Request for <u>5</u> month Extension of Time
<input checked="" type="checkbox"/>	Power of Attorney	<input type="checkbox"/>	Base Issue Fee Forms
<input checked="" type="checkbox"/>	Inventor's Declaration	<input type="checkbox"/>	Status Inquiry
<input checked="" type="checkbox"/>	Petition to correct name of inventor	<input checked="" type="checkbox"/>	Renovation of POA with new POA and
<input checked="" type="checkbox"/>	copy of Notice of Missing Ref 37CFR 1.497	<input checked="" type="checkbox"/>	change of address PTO/SB/82
<input type="checkbox"/>	Information Disclosure Statement	<input checked="" type="checkbox"/>	credit card forms
<input checked="" type="checkbox"/>	Amendment <u>Preliminary</u>	<input checked="" type="checkbox"/>	Response to Communications
<input type="checkbox"/>	Assignment	<input checked="" type="checkbox"/>	English translation of application
<input type="checkbox"/>	Letter to Draftsman	<input checked="" type="checkbox"/>	Certificate of Mailing Date of <u>09/20/06</u>
<input type="checkbox"/>	pg of Informal Drawings	<input checked="" type="checkbox"/>	Express Mail No.: _____
<input type="checkbox"/>	pg of Formal Drawings	<input checked="" type="checkbox"/>	Check No.: _____ \$ <u>1,405.00</u>

X clean version of Specification  
X Statement from inventor under 37CFR 1.497(d)(1)  
X Mark up version of Specification

credit card  
X copy of Communication of 02/21/06

Attachment A

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Albert Galan I Llongueras

Confirmation: 6368

Appln. No.: 10/540,429

Filed:

For: **FLUID SPINNING SYSTEM**

Attorney Docket No.: 600.008

Customer number: 000058152

*Attachment  
B*

**RESPONSE TO: 1) NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED  
OFFICE AND 2) COMMUNICATION**

**Mail Stop Missing Requirements  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:



Responsive to:

1) the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office dated July 07, 2006 (a copy of which is attached hereto), setting a two (2) month period for response expiring on September 25, 2006; and

2) Communication dated February 21, 2006, (a copy of which is attached hereto), setting a two (2) month period for response, the period for response extended to September

21, 2006, by a Petition for a Five Months' (5 Months)  
Extension filed herewith.

Applicant submit herewith:

1. An executed Declaration and Power of Attorney;
2. A Revocation and Power of Attorney with New Attorney and Change of Correspondence Address;
3. A translation of the application;
-  4. A Processing Fee of \$130.00 for late submission of the translation;
-  5. A Processing Fee of \$65.00 for late submission of the Declaration;
6. A Petition to correct the name of the inventor along with the prescribed fee of \$130.00;
7. a Statement from the inventor pursuant 37 CFR 1.497(d) (1);
8. A Preliminary Amendment;
9. A petition for 5 Months extension of time under 37 c.f.r. §1.136 and payment of fee under 37 c.f.r. §1.17

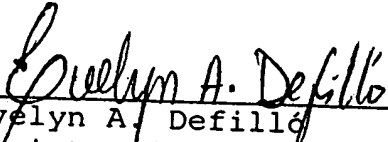
All correspondence should now be directed to:

Evelyn A. Defillo  
Defillo & Associates, Inc.  
4922 Eagle Cove South drive  
Palm Harbor, FL 34685  
(727) 772-5916

The Examiner is respectfully requested to acknowledge receipt of the above documents. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,

DEFILLO & ASSOCIATES  
4922 Eagle Cove South Drive  
Palm Harbor, FL 34685

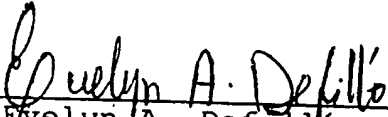
  
Evelyn A. Defillo  
Registration No. 45,630

727 772-5916 telephone

Date: **September 20, 2006**

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing RESPONSE TO NOTICE OF MISSING REQUIREMENTS AND COMMUNICATION for U.S. Application No. 10/540,429 filed July 07, 2005, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop Missing Requirements Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on **September 20, 2006**.

  
Evelyn A. Defillo

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